

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

David Gail,

Plaintiff,

v.

Tierra Jones,

Defendant.

Case No. 2:21-cv-00666-APG-BNW

**ORDER**

Plaintiff David Gail—who is currently detained at High Desert State Prison—submitted an application to proceed *in forma pauperis* (IFP). ECF No. 1.

Under the Local Rules, an incarcerated plaintiff seeking to proceed without paying the filing fee must complete an application to proceed IFP and attach "a certificate from the institution certifying the amount of funds currently held in the applicant's trust account at the institution and the net deposits in the applicant's account for the six months before the date of submission of the application." LSR 1-2; *see also* 28 U.S.C. § 1915(a)(2) (requiring an incarcerated plaintiff seeking IFP status to submit "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . ., obtained from the appropriate official of each prison at which the prisoner is or was confined."). If the plaintiff has been incarcerated at the institution for fewer than six months, the certificate must show the account's activity for the shortened period. LSR 1-2.

Here, plaintiff's IFP application is incomplete because it lacks a financial certificate from the institution where plaintiff is detained showing the amount of funds currently in plaintiff's trust account and the net deposits in the account for the six months preceding plaintiff's application. Accordingly, the Court lacks the information necessary to resolve plaintiff's request to proceed in

1 forma pauperis. The Court will keep plaintiff's complaint on file, but plaintiff's complaint will  
2 not be screened (and this case will not move forward) until the matter of the filing fee is resolved.

3 IT IS THEREFORE ORDERED that plaintiff's Application to Proceed *In Forma*  
4 *Pauperis* (ECF No. 1) is DENIED without prejudice.

5 IT IS FURTHER ORDERED that the Clerk of Court must send plaintiff a blank  
6 application to proceed *in forma pauperis* by an inmate as well as the accompanying instruction  
7 packet.

8 IT IS FURTHER ORDERED that by May 25, 2021, plaintiff must either: (1) file a  
9 complete application to proceed *in forma pauperis*, on the correct form with complete financial  
10 attachments, or (2) pay the full \$402 fee for filing a civil action, which includes the \$350 filing  
11 fee and the \$52 administrative fee.

12 IT IS FURTHER ORDERED that failure to timely comply with this order may result in a  
13 recommendation to the district judge that this case be dismissed.

14 DATED: April 26, 2021.

15   
16

17 BREND A WEKSLER  
18 UNITED STATES MAGISTRATE JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28